Entered on Docket
September 21, 2016
EDWARD J. EMMONS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

Arnold L. Graff (SBN 269170)
agraff@aldridgepite.com
Joseph C. Delmotte (SBN 259460)
jdelmotte@aldridgepite.com
ALDRIDGE PITE, LLP
4375 Jutland Drive, Suite 200
P.O. Box 17933
San Diego, CA 92177-0933
Telephone: (858) 750-7600
Facsimile: (619) 590-1385

Attorneys for Movant,
U.S. Bank National Association, as Trustee for Banc of America Funding Corporation 2007-C

The following constitutes the order of the court.
Signed September 21, 2016

William J. Lafferty, III
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

In re GEMMA KING, Debtor.	Case No. 16-42022-WJL Chapter 13 R.S. No. ALG-297 **ORDER GRANTING MOTION FOR IN REM RELIEF FROM AUTOMATIC STAY** **Hearing:** Date: September 7, 2016 Time: 9:30 a.m. Place: 220 1300 Clay Street Oakland, CA 94612

The above-captioned matter came for hearing on September 7, 2016, at 9:30 a.m., in Courtroom 220, upon the Motion of U.S. Bank National Association, as Trustee for Banc of America Funding Corporation 2007-C ("Movant"), for relief from the automatic stay of 11 U.S.C. § 362, to enforce its interest in the property of Gemma King and Lorenzo King, (“Borrowers”) commonly known as 9619 Velvet Leaf Circle, San Ramon, California 94582 (the "Real Property"), which is legally described as follows:

> SEE LEGAL DESCRIPTION IN DEED OF TRUST ATTACHED AS EXHIBIT B TO MOTION FOR RELIEF FROM STAY, DOCKET ENTRY NUMBER 14.

Appearances as noted on the record.

Based on the arguments of counsel, who recited on the record that one or both of the Borrowers has filed two (2) prior bankruptcy cases since April 20, 2015, and have also executed two (2) unauthorized grant deed transfers of an interest in the Property, as a gift, for no consideration. Good cause appearing therefor,

IT IS HEREBY ORDERED:

1. Movant is granted in rem relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(4).

2. The automatic stay of 11 U.S.C. § 362 and co-debtor stay of 11 U.S.C. § 1301 are hereby terminated as they apply to the enforcement by Movant of all of its rights in the Real Property under Note and Deed of Trust, and pursuant to applicable state law;

3. This Order shall be binding and effective in any other case under the Bankruptcy Code purporting to affect the subject real property filed not later than two years after the date of entry, upon recording a copy of the order or giving appropriate notice of its entry in compliance with applicable non-bankruptcy law, except that a debtor in subsequent case may move for relief from the order based upon good cause shown after notice and hearing; and

4. This Order shall be binding and effective in any bankruptcy case commenced by or against the Borrowers for a period of 180 days from the hearing of this Motion.

5. Movant is authorized to foreclose its security interest in the Real Property under the terms of the Note and Deed of Trust, and pursuant to applicable state law;

6. The 14-day stay provided by Bankruptcy Rule 4001 (a)(3) is waived;

7. Post-petition attorney's fees and costs for the within motion may be added to the outstanding balance of the subject Note as allowed under applicable non-bankruptcy law;

8. Upon foreclosure, in the event Borrowers fail to vacate the Real Property, Movant may proceed in State Court for unlawful detainer pursuant to applicable state law;

9. This Order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

** END OF ORDER **

COURT SERVICE LIST